REMARKS

This is a full and timely response to the non-final Office Action mailed on May 19, 2005 (Paper No./Mail Date 20050503). Claims 1-27 are pending in the present Application. Reconsideration and allowance of the Application and presently pending claims are respectfully requested in view of the foregoing remarks. Applicants should not be presumed to agree with any statements made by the Examiner in the Office Action unless otherwise specifically indicated by Applicants.

I. Response to Claim Objections

Claim 4 stands objected to because of informalities. Applicants have amended the claim to overcome the objection. Applicants respectfully request that the objection be withdrawn.

Claim 8 stands objected to because it was improperly amended. Applicants have amended the claim to overcome the objection. Applicants respectfully request that the objection be withdrawn.

II. Response To Claim Rejections Under 35 U.S.C. §102

Claims 13, 15, 16, and 18 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 5,874,985 to *Matthews, III.* Applicants respectfully traverse this rejection for the reasons that follow.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claim 13

Claim 13, as amended, recites:

> 13. A method for receiving customizable multimedia messages over a television system at a communications terminal for presentation to a user, comprising:
>
> configuring at a multimedia messaging server a plurality of different message requests with respective message content expressions and respective message configuration expressions;
>
> ***configuring a first type of expression to correspond to including in a message request a location reference to retrieve message information from a location remote from a communication terminal;***
>
> configuring a second type of expression to correspond to including in a message request message information;
>
> receiving at the communications terminal from the multimedia messaging server a first message request including a first message content expression and a first message configuration expression;
>
> responsive to receiving the first message request, presenting a first message to a user according to the first message content expression and the first message configuration expression;
>
> receiving at the communications terminal from the multimedia messaging server a second message request including a second message content expression and a second message configuration expression; and
>
> ***responsive to receiving the second message request, presenting a second message to a user according to the second message content expression and the second message configuration expression, wherein the second message request includes at least one type of expression different than the type of expressions in the first message request.***
>
> (Emphasis Added)

Applicants respectfully submit that nowhere does *Matthews* disclose and teach a communication terminal retrieving a message information from a location reference that is remotely located from the communication terminal. *Matthews* appears to teach that *Matthews* message image format indicator is transmitted as part of the *Matthews* message signal from the

Matthews central control node 12 over the *Matthews* IT system 10 to the selected *Matthews* viewer station 16. The *Matthews* message image format indicator is described as follows:

> The message image format indicator includes specific message block information such as size for a dialog message block 100 and vertical screen position and duration for a flash message block 102. The message preferably is a text or written format and additional or alternatively includes an audio component (e.g., voice announcement). Moreover, a dialog message block 100 can additionally or alternatively include a video component.
>
> (Col. 6, lines 18-25 of *Matthews*)

Consequently, Applicants respectfully submit that *Matthews* does not disclose and teach the elements of "configuring a first type of expression to correspond to including in a message request a location reference to retrieve message information from a location remote from a communication terminal; ... responsive to receiving the second message request, presenting a second message to a user according to the second message content expression and the second message configuration expression, wherein the second message request includes at least one type of expression different than the type of expressions in the first message request," as recited in claim 13.

B. Claims 15, 16, and 18

Because independent claim 13 is allowable over the cited art of record, dependent claims 15, 16 and 18 are allowable as a matter of law for at least the reason that dependent claims 15, 16 and 18 contain all features and elements of their respective independent base claims. *See, e.g., In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Accordingly, Applicants respectfully request that the rejection to dependent claims 15, 16 and 18 be withdrawn for this reason alone, among others.

III. Response to Claim Rejections Under 35 U.S.C. §103

Claims 17 and 19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Matthews*. Claims 1-11, 20, 21 and 24 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Matthews* in further view of U.S. Patent No. 5,559,549 to *Hendricks, et al.* Claims 25 and 26 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable

over *Matthews* in view of *Hendricks* and U.S. Patent No. 6,020,980 to *Freeman*. Claim 14 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Matthews* in view of U.S. Patent No. 2003/0115600 to *Tanaka*. Claim 22 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Matthews* and *Hendricks* in view of U.S. Patent No. 5,781,186 to *Jennings*. Claim 27 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Matthews, Hendricks* and *Freeman* in view of *Jennings*. Claim 23 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Matthews* and *Hendricks* in view of *Freeman*. Claim 12 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Matthews* and *Hendricks* in view of U.S. Patent No. 5,822,123 to *Davis, et al.*

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a single reference, the reference must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the prior art reference must suggest all steps/elements/features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, supra.; *In re Keller*, supra.

A. Claim 1

Claim 1, as amended, recites:

> 1. A method for providing customizable multimedia messages over a television system to a communications terminal for presentation to a user, comprising:
>
> ***creating at least one message configuration by an application server, each message configuration having parameters for defining how the customizable multimedia message is presented to the user***;
>
> ***sending the at least one message configuration from the application server to the communication terminal;***
>
> receiving the at least one message configuration at the communication terminal at a first clock time;
>
> responsive to receiving the at least one message configuration at the first clock time, storing the at least one message configuration at the communication terminal;

> ***creating a first message activation request for presenting a first message content to a user according to the at least one message configuration, wherein the first message activation request includes a message content expression and an identification of the at least one message configuration; and***
>
> ***at a second clock time after the first clock time sending the first message activation request from the application server to the communications terminal over the television system.***

(Emphasis Added)

i. *Matthews* fails to disclose, teach, or suggest the feature of "creating at least one message configuration by an application server, each message configuration having parameters for defining how the customizable multimedia message is presented to the user; sending the at least one message configuration from the application server to the communication terminal; creating a first message activation request for presenting a first message content to a user according to the at least one message configuration, wherein the first message activation request includes a message content expression and an identification of the at least one message configuration; and at a second clock time after the first clock time sending the first message activation request from the application server to the communications terminal over the television system " as recited in claim 1.

Applicants respectfully submit that *Matthews* fails to disclose, teach, or suggest creating a message configuration that has parameters for defining how a customizable multimedia message is presented, sending the message configuration from an application server to a communication terminal, creating a first message activation request that has a message content expression and an identification of the message configuration, and sending the first message activation request from the application server to the communication terminal. *Matthews* discloses and suggests that "message image formats are stored within memory 68 [of interactive station controller 20]." Column 5, lines 60-65.

Matthews describes message image formats as follows:

> The message image formats include graphic parameters by which graphic subsystem 72 of controller 20 can generate: message blocks 100 and 102, the text rendered within message blocks 100 and 102, and transitional graphic effects for indicating the opening and

> closing of a viewer message. For example, visual transitional effects could include shifting a message block 100 or 102 into place or constructing it from a dithered pixel pattern over a brief period. The message image formats can also include audio transitional effects, such as brief message opening and closing chimes or tones.
>
> (Col. 6, lines 1-11 of *Matthews*)

Nowhere does *Matthews* teaches or suggests that the central control node 12 creates the message image formats at the central control node 12 and sends the message image formats to the interactive station controller 20. However, *Matthews* appears to teach that message image format indicator, not the message image formats, is transmitted as part of the message signal from the central control node 12 over the IT system 10 to the selected viewer station 16. The *Matthews* message image format indicator is described as follows:

> The message image format indicator includes specific message block information such as size for a dialog message block 100 and vertical screen position and duration for a flash message block 102. The message preferably is a text or written format and additional or alternatively includes an audio component (e.g., voice announcement). Moreover, a dialog message block 100 can additionally or alternatively include a video component.
>
> (Col. 6, lines 18-25 of *Matthews*)

Applicants respectfully submit that *Matthews* fails to disclose, teach, or suggest that both the message configuration and the message activation request are created and sent from the application server to the communication terminal, as recited in claim 1. Consequently, Applicants respectfully submit that *Matthews* does not disclose, teach, or suggest the above-emphasized elements, as recited in claim 1.

ii. *Hendricks* is improperly combined with *Matthew* because *Hendricks* does not disclose, teach, or suggest providing customizable multimedia messages over a television system as recited in claim 1.

In fact, *Hendricks* "relates to television entertainment systems for providing television programming to consumer homes. More particularly, the [*Hendricks*] relates to a user friendly system for providing consumers with television programming." (Col. 1, lines 36-40 of *Hendricks*). Applicants respectfully submit that *Hendricks* does not disclose, teach, or suggest

providing customizable multimedia messages over a television system as recited in claim 1. Consequently, Applicants respectfully submit that *Hendricks* is improperly combined with *Matthew* because *Hendricks* does not disclose, teach, or suggest providing customizable multimedia messages over a television system as recited in claim 1.

iii. *Hendricks* fails to disclose, teach, or suggest the feature of "creating at least one message configuration by an application server, each message configuration having parameters for defining how the customizable multimedia message is presented to the user," as recited in claim 1.

Because *Hendricks* does not disclose, teach, or suggest providing customizable multimedia messages over a television system as recited in claim 1, Applicants respectfully submit that *Hendricks* fails to disclose, teach, or suggest the feature of "creating at least one message configuration by an application server, each message configuration having parameters for defining how the customizable multimedia message is presented to the user," as recited in claim 1. Consequently, Applicants respectfully submit that *Hendricks* does not disclose, teach, or suggest the feature of "creating at least one message configuration by an application server, each message configuration having parameters for defining how the customizable multimedia message is presented to the user," as recited in claim 1.

iv. *Hendricks* fails to disclose, teach, or suggest the feature of "sending the at least one message configuration from the application server to the communication terminal," as recited in claim 1.

Because *Hendricks* does not disclose, teach, or suggest providing customizable multimedia messages over a television system as recited in claim 1, Applicants respectfully submit that *Hendricks* fails to disclose, teach, or suggest the feature of "sending the at least one message configuration from the application server to the communication terminal," as recited in claim 1.

In addition, *Hendricks* apparently discloses in Fig. 3 in which the *Hendricks* cable television program delivery system 200 appears to include an operation center 202 and cable headend 208 and set-top terminal 220. *Hendricks* apparently discloses in Column 8, line 40 – Column 10, line 8 as follows:

> "After the operations center 202 has compressed and encoded the program signals and transmitted the signals to the satellite, the cable headend 208 receives and further processes the signals before they are relayed to each set top terminal 220.

...
As an intermediary between the set top terminals 220 and the operations center 202 (or other remote site), the cable headend 208 performs two primary functions. First, the cable headend 208 acts as a distribution center, or signal processor, by relaying the program signal to the set top terminal 220 in each subscriber's home. In addition, the cable headend 208 acts as a network controller 214 by receiving information from each set top terminal 220 and passing such information on to an information gathering site such as the operations center 202."

Hendricks cable headend is further described in col. 8, lines 40-57 as follows:

"After the operations center 202 has compressed and encoded the program signals and transmitted the signals to the satellite, the cable headend 208 receives and further processes the signals before they are relayed to each set top terminal 220. Each cable headend site is generally equipped with multiple satellite receiver dishes. Each dish is capable of handling multiple transponder signals from a single satellite and sometimes from multiple satellites.
As an intermediary between the set top terminals 220 and the operations center 202 (or other remote site), the cable headend 208 performs two primary functions. First, the cable headend 208 acts as a distribution center, or signal processor, by relaying the program signal to the set top terminal 220 in each subscriber's home. In addition, the cable headend 208 acts as a network controller 214 by receiving information from each set top terminal 220 and passing such information on to an information gathering site such as the operations center 202."

(Emphasis Added)

Applicants respectfully assert that *Hendricks* at best relays program signals, not message configurations having parameters for defining how a customizable multimedia message is presented to the user. Consequently, Applicants respectfully submit that *Hendricks* fails to disclose, teach, or suggest the step of "sending the message configuration from the multiple application servers to a multimedia messaging server, wherein the multiple application servers and the multimedia messaging server are located in the headend", as recited in claim 1.

v. The combination *Matthews* and *Hendricks* fails to disclose, teach, or suggest each and every feature of claim 1.

Because *Matthews* and *Hendricks*, individually, fail to disclose, teach, or suggest the step of "creating at least one message configuration by an application server, each message configuration having parameters for defining how the customizable multimedia message is presented to the user; sending the message configuration from the multiple application servers to a multimedia

messaging server, wherein the multiple application servers and the multimedia messaging server are located in the headend", as recited in claim 1, the combination of *Matthews* and *Hendricks* fails to disclose, teach, or suggest each and every feature of claim 1. Accordingly, a *prima facie* case of obviousness is not established regarding claim 1 based on *Matthews* and *Hendricks*. For at least this reason, among others, Applicants respectfully submit that claim 1 be allowed and the rejection be withdrawn.

B. Claim 20

Claim 20 recites:

> 20. A system for providing customizable multimedia messages over a television system to a communications terminal for presentation to a user, comprising:
>
> multiple application servers that generate at least one message configuration;
>
> ***a multimedia messaging server that receives at least one message configuration from multiple application servers and associates message content for presentation to a user according to the at least one message configuration***, and generates a request according to the at least one message configuration, the request including the message content and a message configuration expression for delivery over a television system to a communications terminal associated with the user, ***wherein the multiple application server and the multimedia messaging server are located in the headend***; and
>
> a multimedia messaging client that receives the request and associates the message content and the message configuration for presentation of the message content according to the message configuration.
>
> (Emphasis Added)

i. *Matthews* fails to teach the element of "a multimedia messaging server that receives at least one message configuration from multiple application servers and associates message content for presentation to a user according to the at least one message configuration, ... wherein the multiple application server and the multimedia messaging server are located in the headend," as recited in claim 20.

In fact, *Matthews* apparently discloses multiple service and application servers 202 a-b, and each server appears to provide its message to the view station 16 via network 14. *Matthews* in col. 7, lines 25-56 states as follows:

> "Servers 202 may include, for example, service and application servers 202a and continuous media servers 202b. Service and application servers 202a process interactive service requests from subscribers and provide services and applications associated with operation of IT system 10. Service and application servers 202a may be dedicated to particular applications such as message transmission, an electronic programming guide for viewers, network security, monitoring, object storage, financial transactions, data access, and other administration functions. An operator at central control node 12 can control message content and recipients through a terminal or console associated with the applicable server 202a, including selectively accessing audio or video components (e.g., from a server 202b)."

Consequently, Applicants respectfully submit that *Matthews* fails to disclose, teach, or suggest the step of "a multimedia messaging server that receives at least one message configuration from multiple application servers and associates message content for presentation to a user according to the at least one message configuration, ... wherein the multiple application server and the multimedia messaging server are located in the headend," as recited in claim 20.

ii. *Hendricks* is improperly combined with *Matthew* because *Hendricks* does not disclose, teach, or suggest providing customizable multimedia messages over a television system as recited in claim 20.

In fact, *Hendricks* "relates to television entertainment systems for providing television programming to consumer homes. More particularly, the [*Hendricks*] relates to a user friendly system for providing consumers with television programming." (Col. 1, lines 36-40 of *Hendricks*). Applicants respectfully submit that *Hendricks* does not disclose, teach, or suggest providing customizable multimedia messages over a television system as recited in claim 20. Consequently, Applicants respectfully submit that *Hendricks* is improperly combined with *Matthew* because *Hendricks* does not disclose, teach, or suggest providing customizable multimedia messages over a television system as recited in claim 20.

Because *Hendricks* does not disclose, teach, or suggest providing customizable multimedia messages over a television system as recited in claim 20, Applicants respectfully submit that *Hendricks* fails to disclose, teach, or suggest the feature of "a multimedia messaging server that ... generates a request according to the at least one message configuration, the request including the message content and a message configuration expression, the message configuration expression having parameters for defining how the message content is presented to the user," as recited in claim 20. Consequently, Applicants respectfully submit that *Hendricks* does not disclose, teach, or suggest the above-quoted feature of claim 20.

iii. *Hendricks* does not disclose the claimed multi-media messaging server receiving at least one message configuration from multiple application servers located at a headend

In fact, *Hendricks* discloses in Fig. 3 in which the *Hendricks* cable television program delivery system 200 appears to include an operation center 202 and cable headend 208 and set-top terminal 220. *Hendricks* apparently discloses in Column 8, line 40 – Column 10, line 8 as follows:

> "After the operations center 202 has compressed and encoded the program signals and transmitted the signals to the satellite, the cable headend 208 receives and further processes the signals before they are relayed to each set top terminal 220. ...
>
> As an intermediary between the set top terminals 220 and the operations center 202 (or other remote site), the cable headend 208 performs two primary functions. First, the cable headend 208 acts as a distribution center, or signal processor, by relaying the program signal to the set top terminal 220 in each subscriber's home. In addition, the cable headend 208 acts as a network controller 214 by receiving information from each set top terminal 220 and passing such information on to an information gathering site such as the operations center 202."

Hendricks cable headend is further described in col. 8, lines 40-57 as follows:

> "After the operations center 202 has compressed and encoded the program signals and transmitted the signals to the satellite, the cable headend 208 receives and further processes the signals before they are relayed to each set top terminal 220. Each cable headend site is generally equipped with multiple satellite receiver dishes. Each dish is capable of handling multiple transponder signals from a single satellite and sometimes from multiple satellites.
>
> As an intermediary between the set top terminals 220 and the operations center 202 (or other remote site), the cable headend 208 performs two primary functions. First, the cable headend 208 acts as a distribution center, or signal

processor, by relaying the program signal to the set top terminal 220 in each subscriber's home. In addition, the cable headend 208 acts as a network controller 214 by receiving information from each set top terminal 220 and passing such information on to an information gathering site such as the operations center 202."

Consequently, Applicants respectfully submit that *Hendricks* fails to disclose, teach, or suggest a multi-media messaging server receiving at least one message configuration from multiple application servers located at a headend as recited in claim 20.

iv. The combination *Matthews* and *Hendricks* fails to disclose, teach, or suggest each and every feature of claim 20.

Because *Matthews* and *Hendricks*, individually, fail to disclose, teach, or suggest the features of "a multimedia messaging server that receives at least one message configuration from multiple application servers and associates message content for presentation to a user according to the at least one message configuration, and generates a request according to the at least one message configuration, the request including the message content and a message configuration expression, the message configuration expression having parameters for defining how the message content is presented to the user, and delivers the request over a television system to a communications terminal associated with the user, wherein the multiple application server and the multimedia messaging server are located in the headend", as recited in claim 20, the combination of *Matthews* and *Hendricks* fails to disclose, teach, or suggest each and every feature of claim 20. Accordingly, a *prima facie* case of obviousness is not established regarding claim 20 based on *Matthews* and *Hendricks*. For at least this reason, among others, Applicants respectfully submit that claim 20 be allowed and the rejection be withdrawn.

C. Claim 25

Claim 25 recites:

25. A system for delivery of multimedia messages, comprising:
a multimedia messaging server; and
multiple application servers in which each server generates message content and a database of predefined message configurations,
wherein each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, which in response thereto, generates a request that comprises the message

content and a message configuration expression, wherein the multiple application server and the multimedia messaging server are located in the headend.

(Emphasis Added)

i. *Matthews* fails to teach the element of "each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, ... wherein the multiple application server and the multimedia messaging server are located in the headend," as recited in claim 25.

In fact, *Matthews* apparently discloses multiple service and application servers 202 a-b, and each server appears to provide its message to the view station 16 via network 14. *Matthews* in col. 7, lines 25-56 states as follows:

> "Servers 202 may include, for example, service and application servers 202a and continuous media servers 202b. Service and application servers 202a process interactive service requests from subscribers and provide services and applications associated with operation of IT system 10. Service and application servers 202a may be dedicated to particular applications such as message transmission, an electronic programming guide for viewers, network security, monitoring, object storage, financial transactions, data access, and other administration functions. An operator at central control node 12 can control message content and recipients through a terminal or console associated with the applicable server 202a, including selectively accessing audio or video components (e.g., from a server 202b)."

Consequently, Applicants respectfully submit that *Matthews* fails to disclose, teach, or suggest the step of "each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, ... wherein the multiple application server and the multimedia messaging server are located in the headend," as recited in claim 25.

ii. *Hendricks* fails to disclose, teach, or suggest the feature of "each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, ... wherein the multiple application server and the multimedia messaging server are located in the headend," as recited in claim 25.

Because *Hendricks* does not disclose, teach, or suggest delivery of multimedia messages over a television system as recited in claim 25, Applicants respectfully submit that *Hendricks* fails to disclose, teach, or suggest the feature of "each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server," as recited in claim 25.

In addition, *Hendricks* apparently discloses in Fig. 3 in which the *Hendricks* cable television program delivery system 200 appears to include an operation center 202 and cable headend 208 and set-top terminal 220. *Hendricks* apparently discloses in Column 8, line 40 – Column 10, line 8 as follows:

> "After the operations center 202 has compressed and encoded the program signals and transmitted the signals to the satellite, the cable headend 208 receives and further processes the signals before they are relayed to each set top terminal 220.
> ...
> As an intermediary between the set top terminals 220 and the operations center 202 (or other remote site), the cable headend 208 performs two primary functions. First, the cable headend 208 acts as a distribution center, or signal processor, by relaying the program signal to the set top terminal 220 in each subscriber's home. In addition, the cable headend 208 acts as a network controller 214 by receiving information from each set top terminal 220 and passing such information on to an information gathering site such as the operations center 202."

Hendricks cable headend is further described in col. 8, lines 40-57 as follows:

> "After the operations center 202 has compressed and encoded the program signals and transmitted the signals to the satellite, the cable headend 208 receives and further processes the signals before they are relayed to each set top terminal 220. Each cable headend site is generally equipped with multiple satellite receiver dishes. Each dish is capable of handling multiple transponder signals from a single satellite and sometimes from multiple satellites.
> As an intermediary between the set top terminals 220 and the operations center 202 (or other remote site), the cable headend 208 performs two primary functions. First, the cable headend 208 acts as a distribution center, or signal processor, by relaying the program signal to the set top terminal 220 in each subscriber's home. In addition, the cable headend 208 acts as a network controller 214 by receiving information from each set top terminal 220 and passing such information on to an information gathering site such as the operations center 202."

(Emphasis Added)

Applicants respectfully assert that *Hendricks* relays program signals, not the claimed message configurations. Consequently, Applicants respectfully submit that *Hendricks* fails to

disclose, teach, or suggest the step of "each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, ... wherein the multiple application server and the multimedia messaging server are located in the headend," as recited in claim 25.

iii. *Freeman* fails to disclose, teach, or suggest the feature of "each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, which in response thereto, generates a request that comprises the message content and a message configuration expression," as recited in claim 25.

In fact, *Freeman* apparently discloses a system for delivering facsimile messages to electronic mail addresses as object files attached to or inserted within e-mail messages (Abstract). *Freeman* further discloses in the Abstract the following:

> The facsimile server device receives and demodulates the facsimile transmission and stores it as an object file in the native facsimile format. The facsimile server device then queries a subscriber database for translation of the dialed phone number to an e-mail address. The subscriber database query also provides a subscriber selected file format which the facsimile file is to be translated into prior to sending to the subscriber. The facsimile server device creates an e-mail message addressed to the e-mail address and translates the native facsimile object file to the format file specified by the subscriber database. The facsimile server device attaches the translated object file to the electronic mail message, or inserts it within, and sends the electronic mail message to the subscriber.

Further, the "subscriber selects a file translation format in accordance with a software application program which the subscriber uses" (Abstract). Consequently, Applicants respectfully submit that *Freeman* fails to disclose, teach, or suggest the features of "each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, which in response thereto, generates a request that comprises the message content and a message configuration expression," as recited in claim 25. Consequently, *Freeman* fails to disclose each and every feature of the claim 25. Accordingly, for at least this reason, among others, Applicants respectfully submit that claim 25 be allowed and the rejection be withdrawn.

iv. The combination *Matthews*, *Freeman*, and *Hendricks* fails to disclose, teach, or suggest each and every feature of claim 25.

Because *Matthews, Freeman,* and *Hendricks*, individually, fail to disclose, teach, or suggest the elements of "each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, which in response thereto, generates a request that comprises the message content and a message configuration expression, the message configuration expression having parameters for defining how the message content is presented to a user, wherein the multiple application server and the multimedia messaging server are located in the headend," as recited in claim 25, the combination of *Matthews, Freeman,* and *Hendricks* fails to disclose, teach, or suggest each and every feature of claim 25. Accordingly, a *prima facie* case of obviousness is not established regarding claim 25 based on *Matthews, Freeman,* and *Hendricks*. For at least this reason, among others, Applicants respectfully submit that claim 25 be allowed and the rejection be withdrawn.

C. Claims 2-12, 14, 17, 19, 21-24, and 26-27

Because independent claims 1, 13, 20, and 25 are allowable over the cited art of record, dependent claims 2-12, 14, 17, 19, 21-24, and 26-27 are allowable as a matter of law for at least the reason that dependent claims 2-12, 14, 17, 19, 21-24, and 26-27 contain all features and elements of their respective independent base claims. *See, e.g., In re Fine*, supra. Accordingly, Applicants respectfully request that the rejection to dependent claims 2-12, 14, 17, 19, 21-24, and 26-27 be withdrawn for this reason alone, among others.

IV. Miscellaneous

Applicants respectfully traverse all Office Notices and well-known allegations made in the Office Action and submit such should not be considered well-known because the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support the conclusions. The Office Action has taken Official Notice that "it was notoriously well known in the art at the time of invention by applicant to transmit a location reference to identify a location from which to retrieve message content, such as utilized by the well known ATVEF standard, for the typical benefit of allowing the receiver to easily locate and display content from sources other than the broadcast provider." (Pages 6 and 10, paragraphs 6 and 7 of the non-final Office Action). The Office Action further stated that "it was notoriously well known in the art at the time of the invention by applicant to utilize a default in the absence

of a specific signal, whereby the system is to assume the default unless told otherwise, for the typical benefit of allowing the receiver to quickly process incoming messages by using the most common default setting in the absence of any other corresponding command." (Page 7, paragraph 6 of the non-final Office Action). The Office Action further stated that "it was notoriously well known in the art at the time of invention by applicant to utilize servers to receive and process incoming signals, such as in a cable headend, for the typical benefit of receiving and processing transmitted signals through well known and commonly utilized servers." (Pages 13 and 15-16, paragraph 7 of the non-final Office Action).

According to MPEP 2144.03, "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." MPEP 2144.03 also states that "If such notice is taken, the basis for such reasoning must be set forth explicitly. The Office Action must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge." Accordingly, Applicants respectfully traverse the above conclusions and submit that the subject matter noted above should not be considered well known because the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support the conclusions. Accordingly, Applicants submit that it has not been shown that the material asserted to be well-known is capable of instant and unquestionable demonstration as being well-known.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well-known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-27 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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